

JURISDICTION:
General Reference:

MONTANA
Montana Code Annotated

Required Use of Safety Belts¹:

Requirements:

A motor vehicle cannot be operated unless the driver and every passenger of a designated seating position is wearing a seatbelt.² §61-13-103(1)
Secondary Enforcement. A driver may not be stopped for a violation of this requirement except upon reasonable cause to believe that such driver has violated another traffic regulation or that the driver's vehicle is unsafe or not equipped as required by law. §61-13-103(4)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

A mandatory fine of **\$20**. A violation of this requirement is not considered a moving violation of the purposes of suspending a driver's license. §61-13-104(1) & (2) In addition, no insurance company shall increase a person's premium based on a violation of this requirement. §61-13-104(2)

Effect on Civil Liability:

Failure to comply with this requirement shall not be admissible as evidence in any civil action for personal injury or property damage. Furthermore, such failure does not constitute negligence. §61-13-106

Required Use of Child Safety Restraint Systems³:

Requirements:

I. A child <2 years old, who is a passenger in a motor vehicle⁴, must be secured in a Federally approved child restraint system. §61-9-420(1) & (3)
II. A child between 2 and 4 years old and weighing <40 lbs., who is a passenger in a motor vehicle, must be secured in either a Federally approved child restraint system or a safety belt. §61-9-420(2) & (3)
Note: A person is not required to have more than 3 child safety restraints systems in a vehicle. §61-9-420(4)

Required Use of Child Safety Restraint Systems:
(continued)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Penalty: A fine of not more than **\$100**. §61-9-423 Note: The law does not appear to assign points for a violation of these requirements.

Effect on Civil Liability:

Even though evidence of a failure to comply with this requirement is admissible in any civil action for personal injury or damages, such failure alone does not constitute negligence. §61-9-422

¹**Exemptions.** The requirement to use a seat belt does not apply in the following circumstances: (1) To persons who for medical reasons cannot use a seat belt; (2) to persons who cannot use a seat belt because all of the available seat belts are in use; (3) to operators of motorcycles or motor-driven cycles; (4) to occupants of specially licensed motor vehicles (e.g., road construction equipment, maintenance machinery, ditch-digging apparatus, well-boring apparatus and motor vehicles or trailers designed to apply fertilizer); and, (5) to persons who make frequent stops as part of their official job duties and who have obtained an exemption for this purpose by the State. §§61-1-104 & 61-13-103(2)

²Under the safety belt law, the term "motor vehicle" is defined as a vehicle propelled by its own power and designed primarily to transport persons or property upon the highway (§61-13-102(3)) and the term "seatbelt" means an occupant restraint system that complies with Federal law (§61-13-102(5)). However, under Federal law such a system is only applicable on certain types motor vehicles manufactured after January 1, 1973.

³**Exemptions.** These requirements do not apply children who for physical or medical reasons cannot use a child restraint system or seat belt. §61-9-420(5)

⁴The term "motor vehicle" does not include motorbus, school bus, taxicab, moped, quadricycle, motorcycle, any vehicle that does not have to have a safety belt under Federal law or a vehicle designed for 2 persons but where there are two additional persons <4 years old in the vehicle. §61-9-421

MONTANA

Required Use of Motorcycle Protective Headgear:

Requirements:

I. A person <18 years old, who operates or rides on a motorcycle or quadricycle⁵, shall wear State approved protective headgear. §61-9-417(1)
II. A person may not operate a motorcycle unless all passenger <18 years old are wearing protective headgear. §61-9-417(2)

Sanctions for Failure to Use:

A fine of **\$5**. §61-9-518(1) Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Motorcycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

None⁶

Sanctions for a Violation:

⁵A "quadricycle" is defined as "a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle upon which the operator sits and a motor capable of producing not more than 50 horsepower." §61-1-133

⁶Even though there is no statutory prohibiting this activity, such a prohibition may have been indirectly established for certain children via the provisions of the Child Safety Restraint Systems law.